

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KPM ANALYTICS NORTH AMERICA
CORPORATION,

Plaintiff,

v.

BLUE SUN SCIENTIFIC, LLC, THE
INNOVATIVE TECHNOLOGIES GROUP
& CO., LTD., ARNOLD EILERT,
MICHELLE GAJEWSKI, ROBERT
GAJEWSKI, RACHAEL GLENISTER,
GREGORY ISRAELSON, IRVIN LUCAS,
AND PHILIP OSSOWSKI

Defendants.

Civil Action No. 4:21-CV-10572-LTS

LEAVE TO FILE EXHIBITS UNDER
SEAL GRANTED SEPTEMBER 16, 2022

**DECLARATION OF SCOTT R. MAGEE, ESQ. IN SUPPORT OF PLAINTIFF
KPM ANALYTICS NORTH AMERICA CORPORATION'S
OPPOSITION TO DEFENDANT THE INNOVATIVE TECHNOLOGIES
GROUP & CO., LTD.'S MOTION FOR SUMMARY JUDGMENT
AND TO DEFENDANTS' MOTION TO DISSOLVE OR MODIFY
THE PRELIMINARY INJUNCTION**

I, Scott R. Magee, do depose and state:

1. I am an attorney and a member in good standing of the bar of the Commonwealth of Massachusetts. I am counsel of record for Plaintiff KPM Analytics North America Corporation ("KPM") in this action. I submit this declaration in support of KPM's Opposition to Defendant The Innovative Technologies Group & Co., Ltd.'s Motion for Summary Judgment (Doc. No. 144) and in Opposition to the Defendants' Motion to Dissolve or Modify the Preliminary Injunction (Doc. No. 148).
2. Attached hereto as Exhibit 1 is a true and accurate copy of the Docket Report for Case No. 1:21-CR-00705-2 pending in the Northern District of Illinois Court.

3. Attached hereto as Exhibit 2 is a true and accurate copy of excerpts of the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on May 3, 2022 in this action.
4. Attached hereto as Exhibit 3 is a true and accurate copy of Exhibit 13 to the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on May 3, 2022 in this action (KPM-BS2-00001628).
5. Attached hereto as Exhibit 4 is a true and accurate copy of excerpts of the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on July 8, 2021 in this action.
6. Attached hereto as Exhibit 5 is a true and accurate copy of Exhibit 17 to the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on May 3, 2022 in this action (KPM-ITGC-00000265).
7. Attached hereto as Exhibit 6 is a true and accurate copy of excerpts of the Rule 30(b)(6) deposition of Defendant Blue Sun Scientific, LLC, whose designee, Irvin Lucas, was deposed on April 27, 2022 in this action.
8. Attached hereto as Exhibit 7 is a true and accurate copy of Exhibit 9 to the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on May 3, 2022 in this action (KPM-ITGC-00000265).
9. Attached hereto as Exhibit 8 is a true and accurate copy of excerpts of the Rule 30(b)(6) deposition of Defendant Blue Sun Scientific, LLC, whose designee, Irvin Lucas, was deposed on July 6, 2021 in this action.

10. Attached hereto as Exhibit 9 is a true and accurate copy of Exhibit 20 to the Rule 30(b)(6) deposition of Defendant Blue Sun Scientific, LLC, whose designee, Irvin Lucas, was deposed on July 6, 2021 in this action (KPM-BS-002302).
11. Attached hereto as Exhibit 10 is a true and accurate copy of Exhibit 19 to the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on May 3, 2022 in this action (KPM-BS-000164).
12. Attached hereto as Exhibit 11 is a true and accurate copy of Exhibit 12 to the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on May 3, 2022 in this action (KPM-ITGC-00000219 – KPM-ITGC-00000221).
13. Attached hereto as Exhibit 12 is a true and accurate copy of Exhibit 18 to the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on May 3, 2022 in this action (KPM-BS2-00002661 – KPM-BS2-00002662).
14. Attached hereto as Exhibit 13 is a true and accurate copy of Exhibit 20 to the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on May 3, 2022 in this action (KPM-BS2-00000219).
15. Attached hereto as Exhibit 14 is a true and accurate copy of Exhibit 22 to the Rule 30(b)(6) deposition of Defendant Blue Sun Scientific, LLC, whose designee, Irvin Lucas, was deposed on July 6, 2021 in this action (KPM-BS-001127 – KPM-BS-001128).

16. Attached hereto as Exhibit 15 is a true and accurate copy of Exhibit 3 to the Rule 30(b)(6) deposition of Defendant Blue Sun Scientific, LLC, whose designee, Irvin Lucas, was deposed on July 6, 2021 in this action (Doc. No. 1-17).
17. Attached hereto as Exhibit 16 is a true and accurate copy of Exhibit 5 to the Rule 30(b)(6) deposition of Defendant Blue Sun Scientific, LLC, whose designee, Irvin Lucas, was deposed on April 27, 2022 in this action (KPM-BS2-00000059 – KPM-BS2-00000118).
18. Attached hereto as Exhibit 17 is a true and accurate copy of document bate stamp number KPM-ITGC-00000265 produced by Defendant The Innovative Technologies Group & Co., Ltd. in the above captioned action.
19. Attached hereto as Exhibit 18 is a true and accurate copy of document bate stamp number GAJEWSKI_000074 – GAJEWSKI_000078 produced by Defendant Robert Gajewski in the above captioned action.
20. Attached hereto as Exhibit 19 is a true and accurate copy of Exhibit 14 to the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on May 3, 2022 in this action (KPM-ITGC-00000252 – KPM-ITGC-00000253).
21. Attached hereto as Exhibit 20 is a true and accurate copy of Exhibit 15 to the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on May 3, 2022 in this action (KPM-ITGC-00000263 – KPM-ITGC-00000264).

22. Attached hereto as Exhibit 21 is a true and accurate copy of Exhibit 16 to the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose designee, Robert Wilt, was deposed on May 3, 2022 in this action (KPM-BS-001050).
23. Attached hereto as Exhibit 22 is a true and accurate copy of document Bates stamp number GAJEWSKI_004225 – GAJEWSKI_004229 produced by Defendant Robert Gajewski in the above captioned action.
24. Attached hereto as Exhibit 23 is a true and accurate copy of document Bates stamp number KPM0002543 – KPM0002546 produced by Plaintiff KPM in the above captioned action.
25. Attached hereto as Exhibit 24 is a true and accurate copy of a screenshot, using the publicly available website known as the “Way Back Machine”, of the Blue Sun Scientific, LLC website as it was displayed on October 23, 2020.
26. Attached hereto as Exhibit 25 is a true and accurate copy of document Bates stamp number KPM-BS-001105 – KPM-BS-001106 produced by Defendant Blue Sun Scientific, LLC in the above captioned action.
27. Attached hereto as Exhibit 26 is a true and accurate copy of document Bates stamp number KPM-BS2-00002380 – KPM-BS2-00002421 produced by Defendant Blue Sun Scientific, LLC in the above captioned action.
28. Attached hereto as Exhibit 27 is a true and accurate copy of document Bates stamp number KPM-BS2-00006258 – KPM-BS2-00006259 produced by Defendant Blue Sun Scientific, LLC in the above captioned action.
29. Attached hereto as Exhibit 28 is a true and accurate copy of Exhibit 7 to the Rule 30(b)(6) deposition of Defendant Innovative Technologies Group & Co., Ltd., whose

designee, Robert Wilt, was deposed on July 8, 2021 in this action (Gajewski_002250 – Gajewski_002254).

30. Attached hereto as Exhibit 29 is a true and accurate copy of Exhibit 11 to the Rule 30(b)(6) deposition of Defendant Blue Sun Scientific, LLC, whose designee, Irvin Lucas, was deposed on April 27, 2022 in this action (KPM-BS2-00001689 – KPM-BS2-00001692).
31. Attached hereto as Exhibit 30 is a true and accurate copy of Exhibit 11 to the Rule 30(b)(6) deposition of Defendant Blue Sun Scientific, LLC, whose designee, Irvin Lucas, was deposed on April 27, 2022 in this action (KPM-BS2-00001689 – KPM-BS2-00001692).
32. Attached hereto as Exhibit 31 is a true and accurate copy of Exhibit 21 to the Rule 30(b)(6) deposition of Defendant Blue Sun Scientific, LLC, whose designee, Irvin Lucas, was deposed on July 6, 2021 in this action (KPM-BS-000422 – KPM-BS-000423).
33. Attached hereto as Exhibit 32 is a true and accurate copy of excerpts of the deposition of Douglas Evans, who was deposed on May 5, 2022 in this action.
34. Attached hereto as Exhibit 33 is a true and accurate copy of excerpts of the deposition of Neil Zoltowski, who was deposed on August 5, 2022 in this action.
35. Attached hereto as Exhibit 34 is a compilation of true and accurate copies of customer emails produced by Blue Sun Scientific, LLC, Robert Gajewski, or KPM in the above captioned action (KPM-BS2-00002154; KPM-BS2-00006231 – KPM-BS2-00006232; KPM-BS-002083 – KPM-BS-002085 plus attachment; KPM-BS2-00001731 – KPM-BS-00001732; KPM-BS2-00006298 – KPM-BS2-00006299; KPM-BS-000744; KPM-BS2-00002315; Gajewski_005660 – Gajewski_005661; KPM0108153 – KPM0108154; KPM-

BS2-00000939 – KPM-BS2-00000943; KPM-BS2-00005188 – KPM-BS2-00005196;
KPM0108033 – KPM0108037).

Signed under the pains and penalties of perjury, this 19th day of September, 2022.

/s/ Scott R. Magee

Scott R. Magee

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 2022, a true and correct copy of the foregoing document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), with certain exhibits being filed under seal. True and correct unredacted versions of the exhibits were served to counsel of record via electronic mail.

/s/ Scott R. Magee

Scott R. Magee